IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.18 OF 2006

Shri Sanjay Shakti Sarkar. ..Appellant.

V/s.

Vanita Haribai Patel and anr. ..Respondents.

Ms.Deepa Sawant for C.G.Gavnekar for appellant.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 31, 2006.

P.C. :

1. Heard counsel for the appellant.

2. I see no reason to interfere with the well reasoned decision of the court below in allowing the Notice of Motion taken out by the plaintiff. The court below has answered all the relevant issues in favour of the respondents. The order which is impugned was passed on 17th October, 2000. The appellant has suffered the order of injunction since then. At this distance of time, I find no justification to interfere as the appeal is still at the stage of admission. Instead, the trial court is directed to expedite the hearing of the suit if the same is still pending as it pertains to year 1999.

3. The trial court shall decide all the issues on its own merits in accordance with the law including issue regarding jurisdiction of the court if raised. Appeal disposed of.

3. Ordered accordingly.